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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/626,958	07/25/2003	Izydor Gryko	MSFT-1757/302929.1	3201
41505	7590	11/01/2006	EXAMINER	
WOODCOCK WASHBURN LLP (MICROSOFT CORPORATION) ONE LIBERTY PLACE - 46TH FLOOR PHILADELPHIA, PA 19103			DAO, THUY CHAN	
			ART UNIT	PAPER NUMBER
			2192	

DATE MAILED: 11/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/626,958		GRYKO ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Thuy Dao		2192	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 July 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>7/25/03</u> .   | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This action is responsive to the application filed on July 25, 2003.
2. Claims 1-39 have been examined.

### **Priority**

3. The priority date considered for this application is July 25, 2003.

### **Information Disclosure Statement**

4. The Office acknowledges receipt of the Information Disclosure Statement filed on July 25, 2003. It has been placed in the application file and the information referred to therein has been considered by the examiner.

### **Specification**

5. The use of the trademark .NET.TM. has been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

6. The disclosure is objected to because of the following informalities: page 9, [0026], lines 2 should be - ...a debugger 216 operating within that design time environment [216] 212, a hosting process 214...- -.

Appropriate correction is required.

### **Claim Rejections – 35 USC §112, 2nd paragraph**

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 6, 19, 27, 30, and 39 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

**Claims 6, 19, 27, and 39:**

Claims 6, 19, 27, and 39 contain the trademark/trade name .NET.TM.. Where a trademark or trade name is used in a claim as a limitation to identify or describe a particular material or product, the claim does not comply with the requirements of 35 U.S.C. 112, second paragraph. See *Ex parte Simpson*, 218 USPQ 1020 (Bd. App. 1982). The claim scope is uncertain since the trademark or trade name cannot be used properly to identify any particular material or product. A trademark or trade name is used to identify a source of goods, and not the goods themselves. Thus, a trademark or trade name does not identify or describe the goods associated with the trademark or trade name.

**Claim 30:**

Claim 30 recites the limitation "said design-time environment" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Based on claim 31, claim 30 is considered to read as - -A computer readable storage medium in accordance with claim 22, wherein said application is developed by a design-time environment and said design-time environment comprises a rapid application development tool.- -.

**Claim Rejections – 35 USC § 101**

9. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

10. Claims 22-33 are directed to a computer readable medium, which may include communication media, which "...typically embodies computer readable instructions,

*data structures, program modules or other data in a modulated data signal such as a carrier wave or other transport mechanism and includes any information delivery media"* (specification, page 5: 4-15).

A computer readable medium product is a tangible physical article or object, some form of matter, which a signal is not. That the other two product classes, machine and composition of matter, require physical matter is evidence that a manufacture was also intended to require physical matter. A signal, a form of energy, does not fall within either of the two definitions of manufacture. Thus, a signal does not fall within one of the four statutory classes of Sec. 101.

See Annex IV (c) Electro-Magnetic Signals, Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility (signed October 26, 2005) - OG Cite: 1300 OG 142. Online version can be retrieved at <<http://www.uspto.gov/web/offices/com/sol/og/2005/week47/patgupa.htm>>.

Under the principles of compact prosecution, claims 22-33 have been examined as the Examiner anticipates the claims will be amended to obviate these 35 USC § 101 issues. For example, - -A computer readable storage medium encoded with a computer program code ...- -.

### **Claim Rejections – 35 USC § 102**

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

12. Claims 1-39 are rejected under 35 U.S.C. 102(a) as being anticipated by "Introduction to Series 60 Applications for C++ Developers", Version 1.0, Nokia Corporation, August 2002 (hereinafter "Series 60-C++").

#### **Claim 1:**

Series 60-C++ discloses *a method for debugging an application operating within a runtime environment, said method comprising:*

*creating a hosting process not based on said application (e.g., page 6, section 3, Symbian OS 6.1 not based on "Hello World" applications);*

*starting said runtime environment in the hosting process (e.g., page 6, section 2, Series 60 Platform in the hosting process Symbian OS 6.1);*

*attaching a debugger to said hosting process (e.g., page 6, section 4, Series 60 C++ Software Development Kit DSK, which provide tools to test and debug "Hello World" applications);*

*subsequent to said acts of creating, starting, and attaching, receiving a request to debug the application (e.g., page 11: 6-11, press F5 to run the "Hello World" applications through the debugger); and*

*in response to receiving said request, loading the application into the hosting process (e.g., pp 10-11, section 5.2.2 Build and run from the IDE; page 11, Figure 3, loading successfully "Hello World").*

**Claim 2:**

The rejection of claim 1 is incorporated. Series 60-C++ also discloses *preloading selected assemblies into an application domain prior to receiving said request to debug (e.g., page 10: 9-16).*

**Claim 3:**

The rejection of claim 1 is incorporated. Series 60-C++ also discloses *said runtime environment comprises a hosted runtime environment (e.g., page 10: 1-9).*

**Claim 4:**

The rejection of claim 1 is incorporated. Series 60-C++ also discloses *said runtime environment comprises a script interpreter (e.g., page 16: 21-26).*

**Claim 5:**

The rejection of claim 1 is incorporated. Series 60-C++ also discloses *said runtime environment comprises an intermediate language interpreter* (e.g., page 18: 26-32).

**Claim 7:**

The rejection of claim 1 is incorporated. Series 60-C++ also discloses *creating an application domain within said hosting process for debugging said application* (e.g., page 8: 10-14).

**Claim 8:**

The rejection of claim 1 is incorporated. Series 60-C++ also discloses *configuring said debugger to a hosting process mode for debugging said application via said hosting process* (e.g., pp. 7-8, section 5.1.1, set up, run, and test "Hello World" from the command line; section 5.1.2, set up, run, and test "Hello World" from the IDE").

**Claim 9:**

The rejection of claim 1 is incorporated. Series 60-C++ also discloses *said runtime environment is hosted by said hosting process* (e.g., page 6, sections 1-3, Series 60 Platform is hosted by Symbian OS 6.1).

**Claim 10:**

The rejection of claim 1 is incorporated. Series 60-C++ also discloses *said application is developed in a design-time environment* (e.g., page 8: 3-5).

**Claim 11:**

The rejection of intervening claim 10 is incorporated. Series 60-C++ also discloses *said design-time environment is a rapid application design environment* (e.g., page 6, section 4, Series 60 C++ Software Development Kit SDK).

**Claim 12:**

The rejection of claim 1 is incorporated. Series 60-C++ also discloses *performance of said acts of creating, starting and attaching prior to said act of receiving is not perceived by a user* (e.g., page 6, section 4, tools and Microsoft Windows-hosted emulator to assist developers to develop, run, and test/debug C++ applications).

**Claim 13:**

Series 60-C++ discloses *a system for debugging an application operating within a runtime environment, said system comprising:*

*a hosting process for: preparing a hosting environment in which said application is debuggable* (e.g., page 6, section 3, Symbian OS 6.1 and "Hello World" applications); *and*

*receiving a request to debug said application, wherein said hosting process is independent of said application* (e.g., page 11: 6-11, press F5 to run "Hello World" applications through the debugger);

*a debugger for debugging said application via said hosting process* (e.g., page 6, section 4, Series 60 C++ Software Development Kit SDK, which provides tools to test and debug "Hello World" applications); *and*

*a design-time environment for hosting a debugger, wherein said hosting process is created, said runtime environment is started within said hosting process* (e.g., page 6, section 4; page 8: 3-14, Microsoft Visual C++ 6.0 IDE), *and*

*said debugger is attached to said hosting process before said request to debug said application is received by said design-time environment* (e.g., page 11: 6-11).

**Claim 14:**

The rejection of claim 13 is incorporated. Series 60-C++ also discloses *an application domain is created within said hosting process for debugging said application* (e.g., page 10: 9-16).

**Claim 15:**



The rejection of intervening claim 14 is incorporated. Series 60-C++ also discloses *selected assemblies are preloaded into said application domain prior to receiving said request to debug* (e.g., page 10: 9-16).

**Claims 16-18 and 20-21:**

The rejection of claim 13 is incorporated. Claims 16-18 and 20-21 recite the same limitations as those of claims 3-5 and 10-12, wherein all claimed limitations have been addressed and/or set forth above. Therefore, as the reference teaches all of the limitations of the above claims, it also teaches all of the limitations of claims 16-18 and 20-21.

**Claims 22-26 and 28-33:**

Claims 22-26 and 28-33 are computer readable storage medium versions, which recite the same limitations as those of claims 1-5 and 7-12, wherein all claimed limitations have been addressed and/or set forth above. Therefore, as the reference teaches all of the limitations of the above claims, it also teaches all of the limitations of claims 22-26 and 28-33.

**Claim 34:**

Series 60-C++ discloses *a software development system comprising:*

*a development tool that provides a user environment and interface to develop an application* (e.g., page 6, section 4; page 8: 3-14, Microsoft Visual C++ 6.0 IDE),

*said user environment and interface including a user-operable control to begin debugging* (e.g., page 11: 6-11); and

*a debugging preparation module that: creates a hosting process not based on said application* (e.g., page 6, section 3, Symbian OS 6.1; page 7: 31 – page 8: 10, Figure 1, Series 60 emulator);

*starts, in the hosting process, a runtime environment under which said application is runnable* (e.g., page 6, section 2, Series 60 Platform); and

*attaches a debugger to said hosting process (e.g., page 6, section 4; page 11: 6-11);*

*said user-operable control causing said application to be loaded into the hosting process (e.g., pp. 10-11, section 5.2.2 Build and run from the IDE; page 11, Figure 3, loading successfully "Hello World").*

**Claims 35-38:**

Claims 35-38 are software development system versions, which recite the same limitations as those of claims 20 and 16-18, wherein all claimed limitations have been addressed and/or set forth above. Therefore, as the reference teaches all of the limitations of the above claims, it also teaches all of the limitations of claims 35-38.

13. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

14. Claims 1, 13, 22, and 34 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 6,353,923 to Bogle et al. (hereinafter "Bogle").

**Claim 1:**

Bogle discloses *a method for debugging an application operating within a runtime environment, said method comprising:*

*creating a hosting process not based on said application (e.g., FIG. 4, host process A 220 not based on application 421, col.10: 23-38);*

*starting said runtime environment in the hosting process (e.g., e.g., FIG. 5, block 512 Generate Run Time Environment, col.12: 52-59);*

*attaching a debugger to said hosting process (e.g., e.g., FIG. 5, block 521 Establish Active Debugging Environment, col.12: 60 – col.13:10);*

*subsequent to said acts of creating, starting, and attaching, receiving a request to debug the application (e.g., e.g., FIG. 5, block 530, Run Virtual Application Under Debug Environment Control, col.13: 11-23); and*

*in response to receiving said request, loading the application into the hosting process (e.g., e.g., FIG. 5, block 550, Perform Debugging Operations, col.13: 24-30).*

**Claim 13:**

Bogle discloses *a system for debugging an application operating within a runtime environment, said system comprising:*

*a hosting process for: preparing a hosting environment in which said application is debuggable (e.g., FIG. 4, host process A 220 not based on application 421, col.10: 23-38); and*

*receiving a request to debug said application, wherein said hosting process is independent of said application (e.g., FIG. 5, block 530, Run Virtual Application Under Debug Environment Control, col.13: 11-23);*

*a debugger for debugging said application via said hosting process (e.g., FIG. 5, block 521 Establish Active Debugging Environment, col.12: 60 – col.13:10); and*

*a design-time environment for hosting a debugger, wherein said hosting process is created, said runtime environment is started within said hosting process (e.g., FIG. 4, computing device 201, col.10: 30-34; Active Debugger IDE 410, col.10: 57-64), and*

*said debugger is attached to said hosting process before said request to debug said application is received by said design-time environment (e.g., FIG. 5, block 521 Establish Active Debugging Environment, col.12: 60 – col.13:10).*

**Claim 22:**

Claim 22 is a computer readable storage medium version, which recites the same limitations as those of claims 1, wherein all claimed limitations have been

addressed and/or set forth above. Therefore, as the reference teaches all of the limitations of the above claims, it also teaches all of the limitations of claim 22.

**Claim 34:**

Bogle discloses a software development system comprising:

*a development tool that provides a user environment and interface to develop an application (e.g., Active Debugger IDE 410, col.10: 57-64),*

*said user environment and interface including a user-operable control to begin debugging (e.g., FIG. 4, computing device 201, col.10: 30-34; Active Debugger IDE 410, col.10: 57-64); and*

*a debugging preparation module that: creates a hosting process not based on said application (e.g., FIG. 4, host process A 220 not based on application 421, col.10: 23-38);*

*starts, in the hosting process, a runtime environment under which said application is runnable (e.g., FIG. 5, block 512 Generate Run Time Environment, col.12: 52-59); and*

*attaches a debugger to said hosting process (e.g., FIG. 5, block 521 Establish Active Debugging Environment, col.12: 60 – col.13:10);*

*said user-operable control causing said application to be loaded into the hosting process (e.g., FIG. 5, block 550, Perform Debugging Operations, col.13: 24-30).*

**Conclusion**

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

"Introduction to Series 60 Applications for Java.TM. Developers", Version 1.0, Nokia corporation, August 2002, discloses IDE Sun Forte from Sun Microsystems to develop MIDlets for Series 60 (e.g., page 6, section 3, Development Tools).

"Introduction to Borland C++ Mobile Edition 1.1.", March 2003, discloses tools, emulator, and software modules to provide runtime environment, hosting process, debugger to run/test/debug mobile applications (e.g., pp 2-3).

16. Any inquiry concerning this communication should be directed to examiner Thuy Dao (Twee), whose telephone is (571) 272 8570. The examiner can normally be reached on Monday – Friday from 6:30AM to 3:00PM.

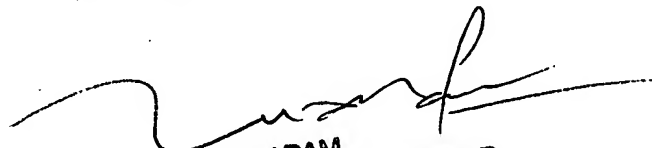
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam, can be reached at (571) 272 3695.

The fax phone number for the organization where this application or proceeding is assigned is (571) 273 8300.

Any inquiry of a general nature of relating to the status of this application or proceeding should be directed to the TC 2100 Group receptionist whose telephone number is (571) 272 2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

T. Dao



TUAN DAM  
SUPERVISORY PATENT EXAMINER